UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,082	10/17/2001	Christopher Piche	E201 0010	3163

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EXAMINER
BATURAY, ALICIA

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/978,082	PICHE ET AL.	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)..

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the amendment filed 14 June 2006.

2.   Claims 1-4 are pending in this Office Action.

Response to Amendment

3.   The objection to the claims regarding minor informalities was addressed and is

withdrawn.

4.   The double patenting rejection is moot due to abandonment of Application No.

10/415,153.

5.   The objection to Fig. 1 was addressed and is withdrawn.

6.   The objection to claim 4 regarding a minor informality was addressed and is withdrawn.

7.   The rejection is respectfully maintained as set forth in the last Office Action mailed on 14

September 2005. Applicant's arguments with respect to claims 1-4 have been fully

considered but they are not persuasive and the old rejection maintained.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMoney

(U.S. 6,721,789) and further in view of Goldberg et al. (U.S. 5,692,213).

DeMoney teaches the invention substantially as claimed including a system for managing

storage accesses for multimedia streams including a disk scheduler that may have a

guaranteed rate queue for queuing storage requests in which requests are ordered according

to a deadline (see Abstract).

10.   With respect to claim 1, DeMoney teaches a method for improving the processing of a

plurality of queued animation over a computer network having a client and a server,

comprising:

Forming a queue of server messages at the client (DeMoney, col. 10, lines 31-34); adding

messages received from the server queue (DeMoney, col. 11, lines 30-32); calculating a

minimum deadline of the messages in the queue (DeMoney, col. 11, lines 51-58); calculating

the time required to play all the currently queued animations (DeMoney, col. 11, lines 63-

65).

DeMoney does not explicitly teach accelerating the multimedia stream.

However, Goldberg teaches if the time required to play all the currently queued

animations is greater than the minimum deadline of the server messages in the queue,

accelerating the animation (Goldberg, col. 6, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify DeMoney in view of Goldberg in order to enable accelerating the

multimedia stream. One would be motivated to do so in order to allow a user to "catch up" to the current portion in the presentation before a network lag.

11.   With respect to claim 2, DeMoney teaches a method for improving the processing of a plurality of queued animation over a computer network between first and second clients, comprising:

Forming a queue of messages from the first client at the second client (DeMoney, col. 10, lines 31-34); adding messages received from the first client to the queue at the second client (DeMoney, col. 11, lines 30-32); calculating a minimum deadline of the messages in the queue (DeMoney, col. 11, lines 51-58); calculating the time required to play all the currently queued animations (DeMoney, col. 11, lines 63-65).

DeMoney does not explicitly teach accelerating the multimedia stream.

However, Goldberg teaches if the time required to play all the currently queued animations is greater than the minimum deadline of the server messages in the queue, accelerating the animation (Goldberg, col. 6, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeMoney in view of Goldberg in order to enable accelerating the multimedia stream. One would be motivated to do so in order to allow a user to "catch up" to the current portion in the presentation before a network lag.

12.   Claims 3 and 4 do not teach or define any new limitations above claims 1 and 2 and therefore are rejected for similar reasons.

Response to Arguments

13.   Applicant's arguments filed 14 March 2006 have been fully considered, but they are not

persuasive for the reasons set forth below.

14.   *Applicant Argues:* Applicant states "that the step 'if the time required to play all of the

currently queued animations is greater than the minimum deadline of the server messages in

the queue, accelerating the animation' is not disclosed in DeMoney in combination with

Goldberg...DeMoney does not disclose accelerating the animation at all. Goldberg discloses

acceleration, but under very different conditions than those set out in the claims of the

present application."

In Response: The examiner respectfully submits that the combination of DeMoney and

Goldberg teaches if the time required to play all of the currently queued animations (buff

time is the minimum time in which a requester can consume a buffer without exceeding the

contracted rate guarantee – see DeMoney, col. 11, lines 63-65) is greater than the minimum

deadline of the server messages in the queue (the system calculates the deadline to coincide

with the time a buffer will be needed ...the deadline time indicates the latest time when the

buffer can be filled and still meet the guaranteed rate requirement of the particular stream –

see DeMoney, col. 11, lines 51-58), accelerating the animation (the stored multimedia

information is replayed at an accelerated format – see Goldberg, col. 6, lines 34-36).

Additionally, in response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). This renders the rejection proper, and thus rejection stands.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
August 14, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER